

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAZMIN CERNA,

Defendant.

8:05CR163

ORDER

Defendant Jazmin Cerna (Cerna) appeared before the court on February 15, 2013, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 389). Cerna was represented by Assistant Federal Public Defender Julie B. Hansen and the United States was represented by Assistant U.S. Attorney Kimberly C. Bunjer. Through her counsel, Cerna waived her right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and that Cerna should be held to answer for a final dispositional hearing before Chief Judge Laurie Smith Camp. Cerna was to provide a urine specimen before determining whether she would be detained or whether she would be released on conditions. Cerna accompanied the probation officer to the U.S. Probation Office but absconded before providing the urine specimen. A warrant was issued for Cerna's arrest (Filing 400).

Cerna was arrested and appeared before the undersigned magistrate judge on February 27, 2013. Cerna was represented by Assistant Federal Public Defender Richard McWilliams and the government was represented by Assistant U.S. Attorney Nancy A. Svoboda. The government moved for detention. Cerna declined to present any evidence or request a detention hearing. Since it is Cerna's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that she is neither a flight risk nor a danger to the community, the court finds Cerna has failed to carry her burden and that Cerna should be detained pending a dispositional hearing before Chief Judge Smith Camp.

IT IS ORDERED:

1. A final dispositional hearing will be held before Chief Judge Laurie Smith Camp in Courtroom No. 2, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 10:00 a.m. on March 14, 2013**. Defendant must be present in person.
2. Defendant Jazmin Cerna is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;
3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and
4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 28th day of February, 2013.

BY THE COURT:

s/ Thomas D. Thalken

United States Magistrate Judge